

RAYMOND C. CABALLERO
MAYOR



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JULY 30, 2002
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Luis G. Sariñana and Anthony Cobos. Absent: Paul Joseph Escobar. Meeting was called to order and the invocation was given by Joe Westfall, Northgate Christian Church, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

Mayor Raymond C. Caballero left the meeting at noon. Council Member Dan Power left the meeting 1:15 p.m. Council Member Jan Sumrall left the meeting at 1:19 p.m.

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Motion made by Representative Sumrall, seconded by Representative Power and unanimously carried to postpone until the next unscheduled department report at City Council meeting the Report from Mr. Ray Cox, Acting Director of Parks & Recreation.

Mr. Charlie McNabb, Chief Administrative Officer, clarified that the presentation would be postponed until the next unscheduled date.

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Motion made by Representative Medina, seconded by Representative Cook, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved under the Consent Agenda will be shown with an asterisk {*}).

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*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of May 21, 2002.

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Motion made by Representative Sariñana, seconded by Representative Rodriguez and unanimously carried to reconsider the request to excuse absent City Council Member.
Representatives Sumrall and Power were not present for the vote.

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to excuse Representative Escobar from the Regular Council Meeting of July 30, 2002.

Representatives Sumrall and Power were not present for the vote.
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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment To Lease between the City of El Paso (Lessor) and Travelex America, Inc. (Concessionaire) together with related documents, for the Business Center Concession located at the El Paso International Airport terminal building.

Mr. Patrick Abeln, Director of Aviation, explained that additional information was available and stated the company provides currency exchange for 17 different currencies and also provides service to many local lending institutions. He added that Travelex was the largest currency exchange company in the world, in addition to providing ATM services, computer data port services, phone cards, travel insurance, money wiring services, etc. He stated that this level of service was not available at other southwest airport facilities. He remarked that the starting salary for the three base employees was \$8.00 per hour, health insurance and 401(k) program. He explained that the manager was a local El Pasoan and responsible for the operation of the company at the Phoenix airport. He directed Council Members to backup materials and addressed the revenue of the company. He stated that revenues were not substantial for labor, services and technical services; however, the City had received approximately \$5,500.00 in monthly revenue from Telex during the 30-month contract.

Representative Medina questioned a discrepancy in the backup material.

Mr. Abeln responded that the previous Memorandum had a very significant typographical error in it and with the material provided today, the situation should be resolved.

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to approve the above Resolution.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute a Second Amendment to Partnership Agreement between the Upper Rio Grande Workforce Development Board and Top Chief Elected Officials of the Upper Rio Grande Workforce Development Area to further extend the term of the Agreement.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a grant application form for a COPS Creating a Culture of Integrity Initiative Grant from the U.S. Department of Justice, Office of Community Oriented Policing Services, in the amount of \$75,000.00 for the purpose of implementing a Multi-Agency Referral System Program by the Police Department. No matching funds required.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Assurance of Compliance - Non-resident Fees to be submitted to the Loan Star Libraries Program of the Texas State Library and Archives Commission. The Assurance recognizes the change of Non-Resident Fee Status by the City of El Paso with the adoption as of July 30, 2002, of the "Ordinance Amending Ordinance Nos. 15006, 12909, 12141, and 10739, to Revise the Fee Schedule and Overdue Fines Charged by the El Paso Public Library." The removal of non-resident fees will increase the potential direct aid available to the El Paso Public Library under the Loan Star Libraries Grant Program.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of the El Paso Public Library ("the Library") be authorized to sign the Costume Appearance Agreement with Penguin Putnam, for the loan of a "Peter Rabbit" walk-about character costume from September 12 to September 23, 2002. The costume shall be used for programs at all libraries during such time period. The cost to the Library is \$120, which includes shipping and handling costs.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following Special Events Agreement for space in the El Paso Museum of Art:

Event:	Seminar
Licensee:	Socorro Independent School District
Date:	August 21, 2002
Time:	9:00 a.m. - 3:00 p.m.
Charge for Space:	\$400.00
Charge for Staff (est):	-0-
Charge for Insurance:	\$40.00
Area(s):	Seminar Room

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Acting Director of Parks & Recreation be authorized to sign the Budget/Scope Amendment Form for the Ysleta Area Action for Youth community partnership, extending the existing project budget of approximately \$5,000 for twelve months, effective August 1, 2002.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT 501011

1. CONTRACTOR: Janet Balderrama, Swim Instructor, Step 1
 DATES: July 29, 2002 thru September 30, 2002
 RATE PER HR: \$5.35
 CONTRACT NO: 2001/2002-364
2. CONTRACTOR: Abraham Barragan, Pool Attendant, Step 1
 DATES: July 05, 2002 thru September 30, 2002
 RATE PER HR: \$5.40
 CONTRACT NO: 2001/2002-365
3. CONTRACTOR: Graciela Casas, Swim Instructor, Step 1
 DATES: July 03, 2002 thru September 30, 2002
 RATE PER HR: \$5.35
 CONTRACT NO: 2001/2002-366
4. CONTRACTOR: Rafael E. Chavez, Swim Instructor, Step 1
 DATES: July 05, 2002 thru September 30, 2002
 RATE PER HR: \$5.35
 CONTRACT NO: 2001/2002-367
5. CONTRACTOR: Michael D. Hernandez, Life Guard, Step 2
 DATES: July 01, 2002 thru September 30, 2002
 RATE PER HR: \$6.80
 CONTRACT NO: 2001/2002-368
6. CONTRACTOR: Joshua M. Jordan, Senior Lifeguard, Step 1
 DATES: July 09, 2002 thru September 30, 2002
 RATE PER HR: \$6.60
 CONTRACT NO: 2001/2002-369
7. CONTRACTOR: Shawn M. Jordan, Senior Lifeguard, Step 1
 DATES: July 09, 2002 thru September 30, 2002
 RATE PER HR: \$6.60
 CONTRACT NO: 2001/2002-370
8. CONTRACTOR: Magdalena Luna, Pool Attendant, Step 4
 DATES: July 03, 2002 thru September 30, 2002
 RATE PER HR: \$6.00
 CONTRACT NO: 2001/2002-371
9. CONTRACTOR: Valerie Munoz, Swim Instructor, Step 1
 DATES: July 05, 2002 thru September 30, 2002
 RATE PER HR: \$5.35
 CONTRACT NO: 2001/2002-373
10. CONTRACTOR: Beltsabe Ortega, Swim Inst. Coordinator, Step 1
 DATES: July 01, 2002 thru September 30, 2002
 RATE PER HR: \$6.50
 CONTRACT NO: 2001/2002-374

11. CONTRACTOR: Gilbert Quinones, Swim Inst. Coord., Step 1
DATES: July 01, 2002 thru September 30, 2002
RATE PER HR: \$6.50
CONTRACT NO: 2001/2002-375
12. CONTRACTOR: Erron M. Reid, Swim Instructor, Step 1
DATES: July 03, 2002 thru September 30, 2002
RATE PER HR: \$5.35
CONTRACT NO: 2001/2002-376
13. CONTRACTOR: Vanessa N. Rodriguez, Lifeguard, Step 2
DATES: July 03, 2002 thru September 30, 2002
RATE PER HR: \$6.00
CONTRACT NO: 2001/2002-377
14. CONTRACTOR: Guillermo Soriano, Pool Attendant, Step 2
DATES: July 05, 2002 thru September 30, 2002
RATE PER HR: \$5.60
CONTRACT NO: 2001/2002-378

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT 501011

1. CONTRACTOR: Jose A. Macias, Jr., Lifeguard, Step 2
DATES: July 2, 2002 thru September 30, 2002
RATE PER HR: \$6.00
CONTRACT NO: 2001/2002-372

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT 501011

1. CONTRACTOR: Sonny Bernal, Lifeguard, Step 2
DATES: June 03, 2002 thru September 30, 2002
RATE PER HR: \$6.00
CONTRACT NO: 2001/2002-379

2. CONTRACTOR: Jennifer Sanchez-Ruiz, Outdoor Pool Manager, Step 1
DATES: May 05, 2002 thru September 30, 2002
RATE PER HR: \$7.30
CONTRACT NO: 2001/2002-380

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2002-2003 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**NORTHEAST RECREATION CENTER
DEPARTMENT ID: 51510107, ACCOUNT 502214**

1. CONTRACTOR: Leonardo G. Marquez, Commissioner Mini Sports
DATES: September 1, 2002 thru August 31, 2003
RATE PER GM: \$6.50
MAXIMUM AMT: \$2,990.00
CONTRACT: 2002/2003-003

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2002-2003 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**NORTHEAST RECREATION CENTER
DEPARTMENT ID: 51510107, ACCOUNT 501011**

1. CONTRACTOR: Olga G. Armendariz, Daycare Director, Step 6
DATES: September 1, 2002, thru August 31, 2003
RATES PER HR: \$9.25
CONTRACT NO: 2002/2003-001
2. CONTRACTOR: Sandra L. Arvizo, Daycare Instructor Aide, Step 4
DATES: September 1, 2002, thru August 31, 2003
RATES PER HR: \$6.10
CONTRACT NO: 2002/2003-002
3. CONTRACTOR: Esther Bates, Daycare Director, Step 5
DATES: September 1, 2002, thru August 31, 2003
RATES PER HR: \$8.95
CONTRACT NO: 2002/2003-003
4. CONTRACTOR: Jana Guillen, Daycare Instructor Aide, Step 4
DATES: September 1, 2002, thru August 31, 2003
RATES PER HR: \$6.40
CONTRACT NO: 2002/2003-004

5. CONTRACTOR: Teri Herring, Daycare Instructor, Step 6
 DATES: September 1, 2002, thru August 31, 2003
 RATES PER HR: \$7.70
 CONTRACT NO: 2002/2003-005
6. CONTRACTOR: Priscilla Olson, Daycare Coordinator, Step 6
 DATES: September 1, 2002, thru August 31, 2003
 RATES PER HR: \$8.25
 CONTRACT NO: 2002/2003-006
7. CONTRACTOR: Delila Sattizahn, Daycare Instructor, Step 6
 DATES: September 1, 2002, thru August 31, 2003
 RATES PER HR: \$9.25
 CONTRACT NO: 2002/2003-007
8. CONTRACTOR: Linda Scalza, Daycare Instructor, Step 6
 DATES: September 1, 2002, thru August 31, 2003
 RATES PER HR: \$7.70
 CONTRACT NO: 2002/2003-008
9. CONTRACTOR: John W. Tillman, Daycare Instructor, Step 6
 DATES: September 1, 2002, thru August 31, 2003
 RATES PER HR: \$7.70
 CONTRACT NO: 2002/2003-009
10. CONTRACTOR: Beatrice Valdez, Daycare Instructor Aide, Step 2
 DATES: September 1, 2002, thru August 31, 2003
 RATES PER HR: \$5.60
 CONTRACT NO: 2002/2003-010

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That Gonzalo Cedillos, Director of Engineering, be authorized to initiate, sign and submit as applicant a street vacation application for *a portion of Glenwood Drive, between Blocks 1 & 2, ALAMEDA ACRES, City of El Paso, El Paso, Texas,* and all related documents to process this application, on behalf of the City of El Paso which is required to permit the joint use of the San Juan Senior Center and the San Juan Recreation Center and allow construction of a park site between the two properties.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with DOLGENCORP OF TEXAS INC. D/B/A DOLLAR GENERAL STORES to lease the company Four (4) 6 Cubic Yard Dumpsters for a service fee of \$15.00 for each Dumpster each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

*Motion made, seconded and unanimously carried to approve the following provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A. Recreation Program Supervisor (1)
- B. Warrant Supervisor (1)

NOTE: Item A was revised to read "Recreation Program Supervisor"

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Equipment Maintenance

Delete	1.0	Automotive Technician II	GS19
Delete	1.0	Automotive Technician I	GS17
Delete	1.0	Automotive Shop Helper	GS13
Delete	1.0	Clerk Typist II	GS9
Add	2.0	Automotive Technician III	GS21

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Mayor and Council

Delete	1.0	Secretary I	GS13
Add	1.0	Secretary II	GS16

*Motion made, seconded and unanimously carried to re-appoint Edna Reyes-Wilson to the Charitable Solicitations Commission by Representative Rodriguez.

*Motion made, seconded and unanimously carried to re-appoint Geoffrey Wright to the Public Utilities Regulation Board by Representative Rodriguez.

*Motion made, seconded and unanimously carried to appoint Frances Harris to the Community Center Screening Committee by Representative Rodriguez.

*Motion made, seconded and unanimously carried to approve installation, power, and maintenance of residential street light at the following location:

Between 356 & 360 Milton for \$899.00.

*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Mortgage Service Center, in the amount of \$1,711.38; overpayment of 2001 taxes. (PID #A642-999-0020-8300)
- B. Mortgage Service Center, in the amount of \$2,812.23; overpayment of 2001 taxes. (PID #C340-999-0160-2100)
- C. Fidelity National Title in the amount of \$787.62; overpayment of 2001 taxes. (PID #C340-999-1070-9100)
- D. Saxon Mortgage, in the amount of \$2,952.80; overpayment of 2001 taxes. (PID #C340-999-1200-0800)
- E. Akshay Kothari, in the amount of \$4,143.25, overpayment of 2001 taxes. (PID #C340-999-1520-2400)
- F. Lawyers Title of El Paso, in the amount of \$1,541.59, overpayment of 2001 taxes. (C731-999-0090-0700)
- G. Crown Castle GT Company LLC, in the amount of \$2,355.28, overpayment of 2001 taxes. (PID #E260-002-0090-0200)

- H. Flagstar Bank, in the amount of \$3,754.79, overpayment of 2001 taxes.
(PID #935-999-0020-0100)
- I. Flagstar Bank, in the amount of \$1,713.84, overpayment of 2001 taxes.
(PID #E569-999-0900-4900)
- J. Atlantic Mortgage, in the amount of \$1,606.93, overpayment of 2001 taxes.
PID #M425-999-0070-0700)
- K. Eulogio/Julisa Caraballo, in the amount of \$912.05, overpayment of 2001 taxes.
(PID #N425-999-0430-0300)
- L. Maria Palmira Chavez, in the amount of \$600.00, overpayment of 2001 taxes.
(PID #S075-000-0450-06A5)
- M. Flagstar Bank, in the amount of \$6,829.64, overpayment of 2001 taxes.
(PID #T230-999-0040-1500)
- N. Phillips 66 Company, in the amount of \$33,931.67, overpayment of 2001 taxes.
(PID #V893-999-1590-0100)
- O. Flagstar Bank, in the amount of \$5,199.44, overpayment of 2001 taxes.
(PID #W837-999-0020-8100)
- P. Crown Communications, in the amount of \$1,550.27, overpayment of 2001 taxes.
(PID #X268-999-5000-6050)

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 *Motion made, seconded and unanimously carried to allocate \$300.00 from District 2 Discretionary Fund to Memorial Park Library to assist with Halloween Party.

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 *Motion made, seconded and unanimously carried to allocate \$300.00 from District 2 Discretionary Fund to Sacramento Senior Citizen Center to assist with Christmas Party.

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 *Motion made, seconded and unanimously carried to allocate \$1,500.00 from District 2 Discretionary to Nolan Richardson Center to assist with Halloween Block Party.

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 *Motion made, seconded and unanimously carried to allocate \$142.00 from District 2 Discretionary Fund to purchase 2,000 pencils for Halloween Block Party at Nolan Richardson Center.

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 *Motion made, seconded and unanimously carried to allocate \$48.10 from District 2 Discretionary Fund to purchase two (2) USA Flags to be flown over the Capital in Washington, D.C. in honor of the "Wall of Honor" at the Wellington Chew Senior Citizen Center.

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 *Motion made, seconded and unanimously carried to transfer Seventy Five Dollars (\$75.00) from District 8 Discretionary Funds to the Parks and Recreation Department to assist with the Armijo National Night Out Event. Funds will purchase 100 tickets that will allow neighborhood children to swim free on the evening of the event.

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 *Motion made, seconded and unanimously carried to approve Change Order No. 54 (Construction Change) to SamCorp General Contractors, Inc., for "Convention Center Expansion and Modernization" for a decreased amount of \$25,025.00 for various construction adjustments necessary for project close out.

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 Motion made by Representative Sumrall, seconded by Representative Sariñana and unanimously carried to move to the forefront and to the regular agenda the request that the Director of Purchasing be authorized to issue Purchase Order(s) to Duncan Industries Parking Control, as they are the manufacturer and sole provider of Duncan Parking Meter parts and accessories.

This item was taken in conjunction with the following Ordinance and Resolution:

Public Hearing for an Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.08 (Administration and Enforcement), to delete Section 12.08.130 (Meter Maids), and Chapter 12.56 (Parking Meters), Section 12.56.010 (Designation-Use) to amend authority of Traffic Engineer to establish location of Metered Parking Spaces, amending applicability of funds; granting authority to Deputy Director of Street Department to install and maintain Parking Meters and set Parking Fees; amend exemptions; provide for use of Parking Meter Fee Debit Card; and Chapter 12.88 (Schedules), Section 12.88.130 (Schedule XI—Parking Meter Zones) to eliminate established Zones and Exemptions.

Resolution that the Mayor be authorized to sign an Agreement by and between the El Paso Community Foundation, the El Paso Plaza Theatre Corporation, the PT ANNEX, LLC, and the City of El Paso, regarding the renovation of the Plaza Theatre and the Centre Annex as a performing arts centre for the benefit of the citizens of El Paso and that the Mayor be authorized to sign the Escrow Agreement in a form and substance approved by the Chief Financial Officer and the City Attorney.

Mr. Charlie McNabb, Chief Administrative Officer, explained why the four items were being considered simultaneously. He stated that the Purchase Order was namely for the parking control meters; the Ordinance would authorize a change in the schedule regarding parking meter fees and the method by which the City would conduct this change; the contract was in regard to the Plaza Theatre renovation; and the Resolution would indicate the Council's intent to reimburse an expenditure from future bond issues. He explained that the City was proposing to finance its part of the Plaza Theatre Renovation with revenue backed by Certificates of Obligation. He explained that the Quality of Life items, approved by the voters, that were to be paid for with tax revenues would be paid with General Obligation Bonds. He also noted that infrastructure items would be funded with debt instruments, of which a split was proposed. He explained that in 1992, the Civic Center Renovation project was funded with Certificates of Obligation, which were backed by the hotel tax revenues. He explained that the Plaza Theatre renovation would be funded similar to that of the Civic Center renovation; however in this instance, parking meter revenues, rather than property tax, would back the Certificates of Obligation. He added that by utilizing the parking meter revenues, the general public would not bear the expense and noted that the major portion of parking meters were located in the downtown area. He stated that a raise in parking meter fees was required, in addition to modernizing the parking meters to include parking tokens and "Smart Cards". He then explained that the language in the Ordinance regarding the parking meter rate, states that the hourly rate would not exceed 50¢ for 18 months; however, in order for the City to finance its portion of the renovation, it would be necessary to increase the parking fee to possibly 75¢. He noted that the language regarding the 18 months was only a proposal at this time, as discussion with the downtown merchants had not yet transpired. He explained that current estimates note a debt service of \$900,000.00 per year; the parking meter fee increase to 50¢ would generate an additional \$600,000.00 per year.

Representative Cobos commented that members of the Downtown Management District remarked that raising the parking meter fee would deter patrons from shopping downtown, as Wal-Mart, Target and the shopping malls do not charge a fee for parking.

Ms. Rita Rodriguez, City Attorney, interjected and stated that prior to the Ordinance discussion, she would read into the record the language regarding the 18 months.

Mr. McNabb noted that revenue backed Certificates of Obligation could not be referred to the voters, as there is not a provision in the law for this. He informed Representative Sariñana that the Secretary of State provided an opinion regarding referring items to the voters when such has not been provided for. He stated that he would forward a copy of the Secretary of State's opinion to Representative Sariñana.

Representative Cook wondered how the bonds would be paid for in the event that increasing the parking meter fees would not generate enough revenue. He questioned whether a tax increase would be initiated.

Mr. McNabb explained that the backup provision for general revenues would be implemented. He commented that, as in the instance of the Civic Center renovations, no tax increase was necessary even though a drop in hotel taxes had been noted. He added that other large cities have increased their parking meter fees significantly; however, the parking meter fees in El Paso have not been raised in many years.

Representative Cook asked whether the renovation project would fall into debt service if the appropriate monies were not available and what impact would this make to the debt service.

Mr. McNabb responded yes, unless some type of insurance could be bought, he deferred the question to Mr. Bill Chapman, Chief Financial Officer.

Mr. Chapman responded he was unaware of any insurance guaranteeing the payment; therefore, the City's debt service might be required to pay for it. He stated that depending upon the magnitude, the City had sufficient funds in order to cover this. He discussed funding issues with Representative Cook with references made to the debt service, increasing taxes by $\frac{1}{2}\text{¢}$, and whether or not our current tax base, without a tax increase, would allow the City to retire the \$900,000.00. He noted that the City had not budgeted for the renovation project. He clarified that the 25¢ increase in parking meters would generate approximately \$634,000, 2/3 of what would be necessary to fully fund all the debt. He noted the City was not considering issuing all the debt, perhaps in two years; however, during the interim the City would have accumulated funding.

Representative Cook questioned whether a portion of revenues from other downtown parking garages could be utilized to retire the debt. He noted that the Union Plaza Transit Terminal garage was built with 80% federal funds and 20% City funds.

Mr. McNabb remarked that the parking garage that was built with federal transit monies could not be utilized; however, depending upon the way with which the City finances the Plaza Theatre renovation project, other downtown parking garage revenue might be considered. He clarified that because federal funding was utilized in the Plaza Transit Terminal garage, any amount in excess of the debt service would be program revenue to the Mass Transit Department.

Representative Cobos noted that in the month of November, 2002, the City would be issuing \$30 million dollars worth of Certificates of Obligation and stated it would be prudent not to issue the entire amount of the \$30 million in the event the revenue generated by the increase in parking meters was not sufficient. He noted that the Plaza Theatre was a "gem"; however, he expressed his concern regarding the omission of language regarding the 18 months in the Ordinance.

Mr. McNabb clarified that the Downtown Management District had requested that revisions be made to the Ordinance to include the 18 months; however, due to time constraints the language had not yet been added.

Mayor Raymond C. Caballero asked that the presentation by the Foundation be conducted at this time.

Representative Sumrall remarked that the Council Members questions were all relevant; however, it was vital that the City move forward with the renovations.

Ms. Sharon Kidd, Chairman of the Steering Committee for the Plaza Theatre with the El Paso Community Foundation, presented Council Members the Foundation's final proposal for the Plaza Theatre. She introduced members of the Board for the Greater El Paso Chamber of Commerce and noted that the Board had recently passed a Resolution in support of the Plaza Theatre.

Mr. Bob Cook, President/CEO of the Greater El Paso Chamber of Commerce, validated the passing of a Resolution by the Executive Committee in support of the Plaza Theatre. He explained that the Plaza Theatre would be an important quality of life investment and would revitalize downtown El Paso immensely. He discussed financing the Plaza Theatre renovations and the proposal to increase the parking meter fees. He felt the increase in parking meter fees would prevent an increase in taxes and added that utilizing the parking meter fees to retire the debt was an extremely important piece of the proposal. He suggested that language be added to the Ordinance regarding "caps" being placed on the revenue, as long as sufficient revenue was generated in order to retire the debt, without a tax increase. He noted that the Greater Chamber of Commerce fully supports the renovations of the Plaza Theatre with an appropriate mechanism to fund the renovation.

Mr. Mervin Moore, Chairman of the Board for the Greater El Paso Chamber of Commerce, pointed out that quality of life was a critical issue utilized to bring new industries to the El Paso area. He explained that industries have not accepted El Paso as their headquarters due to lack of quality of life, in particular, the state of downtown El Paso. He strongly urged Council Members to consider the Plaza Theatre renovation as a major benefit to the City and redevelopment of the downtown area.

Ms. Esther Perez, citizen, stated that the Plaza Theatre would expose El Paso's children to something beautiful. She stated that she had recently visited San Francisco and that the parking meters there accept only quarters. She explained that while in San Francisco, she had an opportunity to see the "Lion King" musical and stated that it would be spectacular to see the musical in the Plaza Theatre.

Ms. Kidd introduced the members of the Steering Committee and introduced Mr. Nestor Valencia who then gave a PowerPoint presentation regarding the Greater El Paso Chamber of Commerce' proposal.

Mr. Valencia, Vice-President of the El Paso Community Foundation, stated that the Foundation has developed the schematic plans, cost analysis and other studies and are now ready to move forward on the project (copy on file in the City Clerk's office). He noted that the Plaza Theatre was first built in 1930 and explained that when renovations were complete, the theatre would be a more comfortable theatre with state-of-the-art sound and lighting equipment. He explained that the Wurlitzer organ, originally utilized in the theatre, was fully restored and would be brought back to the theatre for the grand opening in October, 2004. He discussed the artists' renderings regarding the design of the Plaza Theatre. He noted that the renovation of the Plaza Theatre would bring new jobs, new businesses and would make the downtown area a point of interest for visitors to the city. He mentioned that the theatre would contain 2,500 seats and would include a large restaurant in the basement and a garden terrace located on the roof of the theatre. He informed Council Members that the Foundation had committed to \$15,316,000.00 to see the project to completion.

Representative Power questioned what specific, unique features would be included in the renovations that would attract visitors to the Plaza, as opposed to the Abraham Chavez Theatre or other El Paso venues. He stated that the City could not afford a "white elephant" and questioned the justification of the City expending \$26,467,882.00. He questioned how much money the Foundation had committed to the Plaza Theatre, he stated that as of June 26, 2002, the cost of the renovations would be \$26 million plus.

Mr. Valencia responded that Mr. Curt Feldman would be able to answer his questions in more detail. He mentioned that Mr. Feldman manages the Majestic Theatre in San Antonio and also worked on the feasibility study for the Plaza Theatre. He noted that the intent of the Foundation was to develop new markets and to provide an opportunity to enlarge the city's artistic experience(s). He stated that the Community Foundation had already spent approximately \$3 million on the project and has committed \$12

million to the renovation. He concluded by stating that the best minds from the public and private sectors have been utilized to develop a true gift for the El Paso community.

Mr. Kirk Feldman, Clear Channel and Arts Center Enterprises representative, explained that both companies were involved in the Plaza Theatre renovation project and stated that the Plaza Theatre renovation project would move El Paso forward. He noted that he was the Executive Director of the Majestic and Empire Theatres in San Antonio, Texas and remarked that in 1983 downtown San Antonio was a blighted area and just holding on. He remarked that it was the Mayor of San Antonio, Henry Cisneros, and community leaders who had begun to revitalize the inner city of San Antonio and bring it back to life, both economically and culturally. He added he has been involved in restorations and renovations of atmospheric movie theatres and palaces for the past 20 years. He pointed out that the Majestic Theatre had been listed on the National Register of Historic Places; however, since the restoration, the Majestic had been elevated to National Historic Landmark status, of which only 300 architectural structures are listed in America. He stated that very few facilities like the Plaza Theatre exist today and encouraged Council Members to approve the renovation project. He stated that the design of the theatre would allow for first-class touring Broadway theatre performances, operas and symphony production, touring concerts, etc. that reciprocate into revenue for the community. He stated that graduations, weddings and banquets could utilize the facility to add to their overall experience. He noted that the investment in the Plaza Theatre renovation would bring great economic expenditure into the downtown area and perhaps new industries would take notice and invest in the downtown community, as well. He added that Southwestern Bell Corporation moved its national headquarters to San Antonio, in part due to the revitalization of the downtown area. He asked that Council Members wholeheartedly approve the renovation project.

Representative Power questioned Mr. Feldman on whether the San Antonio theatres were subsidized by the City of San Antonio.

Mr. Feldman responded that the theatres in San Antonio received no City subsidies and have made a profit since their opening day. He stated the Foundation would be able to address investment-type questions and he would address operational issues.

Representative Sumrall asked questions regarding the "Sanger Theatre" in New Orleans and also wondered whether a provision in the "plan" would allow for 18-wheeled trailers to have easy in, easy out access from the Plaza Theatre.

Mr. Feldman responded that in the late 1970's, the Sanger was rebuilt and reopened as a limited partnership and was not a real money maker until the late 1980's, due to the Gulf States recession. He responded there would be more than adequate space at the loading area to accommodate the large trailers.

Representative Medina stated that the Plaza Theatre renovation would bring a newfound pride to the El Paso community and people. He praised the Community Foundation for their diligent and continued efforts in this very worthwhile project.

Representative Cook asked what the projected revenues might be.

Mr. Feldman responded that information contained in the study had addressed those issues; however, net losses would be in years one through three. He estimated losses in year one, \$300,000.00, year two, \$126,000.00, year three \$25,000.00, year four, \$19,000.00 and positive numbers in the fifth year.

Representative Cook questioned how the net losses would be covered.

Mr. Russell Hill, attorney representing El Paso Community Foundation and affiliates, responded that the estimated cost for the project was \$26,500,000.00, from this point forward. He stated that Council Members had endorsed a Memorandum of Understanding and Agreement between the City of El Paso and El Paso Community Foundation on February 5, 2002. He noted that a detailed summary of costs, plans and specifications had been presented to Council Members and the Public Works Department. He stated that the El Paso Community Foundation had committed \$12,000,000.00, cash and added that the \$12,000,000.00 was not contingent upon the Foundation's ability to raise the funds. He commented that the City of El Paso had been diligently working on submitting grant applications from federal sources. He addressed Representative Cook's question regarding net losses and stated that those monies would come from the City of El Paso. He stated that the Plaza Theatre renovation project would be owned and operated by the City of El Paso. He stated that the Foundation had sought out Clear Channel's assistance with respect to the feasibility study due to the Foundation's inexperience in producing live theatrical performances and managing theatres. He explained that under the "Definitive Agreement", the City has the obligation to hire a commercial operator for the facility one year prior to opening, as the Foundation would like to see the Plaza Theatre booked one year in advance. He noted that the Youth Theatre, to be located on the second floor, would be a multi-purpose venue with movable seats and flexible in use. His hope was that all sectors of the City would utilize the Plaza Theatre for various functions.

Representative Cook asked why the City would lose almost \$500,000.00 over a five-year period.

Representative Power interjected and questioned the omission of a "management fee" in the projections.

Mr. Hill noted that the management fee was in the feasibility study and added that during the first years, it would not be possible to "take" a management fee for profits, as there would not be any profit. He stated that management would not be present the first few years of the project; however, management would participate in the operations of the facility.

Mr. Feldman stated that by developing the marketplace, the San Antonio theatres were able to make a profit in the first year. He explained it was due to marketing and a larger "performing arts" population in San Antonio that enabled that first year profit to be accomplished. He commented that a "proactive, hands-on" management team would make sure a profit was made in that first year.

Representative Sumrall questioned Mr. Feldman as to how events were promoted in San Antonio.

Mr. Feldman responded that each event was its own economic generator and funds expended would come from revenues associated with each event. He added that Clear Channel would pay for advertising when the company brought an entertainment venue to El Paso and noted that event promotions were not included in the costs associated with what the City would fund.

Mr. Hill continued speaking and explained that dialogue relating to the draft Definitive Agreement and Memorandum of Understanding should be considered at this time, specifically relating to the City's selection of three professional groups; 1. the restoration firm; 2. the project manager; and 3. Commercial restaurant leasee. He brought to Council's attention a clerical error contained in the Definitive Agreement, page 16, line 4, and asked that it be revised to "Section 3.3".

Representative Power asked Ms. Rita Rodriguez, City Attorney, what obligation would the City have if the Community Foundation does not contribute their \$12,000,000.00 contribution.

Ms. Sylvia Borunda-Firth, Assistant City Attorney, responded that the Foundation's \$12,000,000.00 would be brought forth prior to the release of the construction contract.

Representative Medina commented on the future savings the City would experience due to the addition of the "energy czar" position.

Representative Cobos noted that the City holds \$24 million in fund balance; however, those funds are for emergencies only.

Mr. Hill concluded that the Foundation's \$12 million dollars would be posted on the front end of the project and income earned on the \$12 million would go to the City.

Mayor Caballero commented that revenues in the City are contingent with a number of issues, property values, sales, bus fares, etc. and he commended the Foundation on its management team, legal and financial team, marketing consultants and all others. He stated that the Plaza Theatre would lift the soul of the community, symbolize the revitalization of downtown El Paso and it would behoove Council Members to vote in the affirmative for the renovation project.

Ms. Janice Windle, El Paso Community Foundation representative, concluded by stating on behalf of Francis Roderick-Axelson, philanthropic contributor to El Paso, long time donor to the El Paso Community Foundation and Chairman of the Board of Directors at the El Paso Community Foundation, they were proud to submit the project to Council Members this morning.

Representative Sumrall thanked all those who placed their personal lives on hold to work on the project.

Mr. Jim Lucero, citizen, commented that not enough research had been conducted and he thought the Plaza Theatre and other downtown buildings should be renovated and used; however, not utilizing public funds. He stated that the issue was not a matter of remodeling the Plaza Theatre, but who would be paying the costs. He asked that the private sector fund the project in its entirety and questioned why the cost to renovate the Plaza Theatre was so high. He questioned how raising the downtown parking meter fees and hindering parking would bring business to the downtown area. He asked Council Members to vote against utilizing public funding for the project and study the matter further.

Representative Medina remarked that the private sector had committed to 50% of the costs of the renovation and that the City would not neglect its services for the citizens, trash, fire and police, etc., while the renovation of the Plaza Theatre was ongoing.

Representative Cook asked why the cost per square foot was so high compared to new construction.

Mr. Arthur Ward, citizen, commented that the last movie he had seen at the Plaza Theatre was "Old Man River" and commented on the \$3 million dollar cost to fix the roof. He added he supported the renovation project but not at such a high cost and asked that the private enterprise and real estate investment trusts be utilized, not the citizens money.

Mr. Leopoldo Sierra, citizen, stated he was tired of paying unnecessary taxes and questioned whether "Ranchero Night" and Pepe Aguilar would be offered at the Plaza Theatre or only events such as the El Paso Symphony. He questioned what the overrun costs would be.

Ms. Anita Blair, citizen, commented on the growth of El Paso since 1930 and noted that the Plaza Theatre would enhance the community of El Paso. She asked El Pasoans not to be negative, but rather optimistic.

Mr. Gary Martinez, architect with the firm Martinez and Johnson in Washington, D.C., addressed, in general, the costs involved with the renovation and noted that the current projected cost for the construction of the project was \$275.00 per square foot. He noted that the costs were comparable to other renovations of this same type whose costs may vary from \$250.00 to \$400.00 per square foot. He noted that this project would combine not only a state of the art technical performing arts center but also substantial historic restoration and preservation. He stated that continued design work and investigation would be conducted that would yield a set of documents that would allow the City, through the procurement process, to bid the project and to select the most qualified contractors. He stated that the numbers reflect reasonable allowances; however, contingencies may exist in the future.

Representative Cook pointed out that renovations are underway for an existing downtown building to add apartments and the costs for the apartments would be \$100,000.00 per apartment. He stated that the building was over 50 years old and to bring the building up to current Code would be a very expensive undertaking.

Mayor Caballero commented on the City's construction of parking garages downtown and the costs incurred for them. He added that the County had constructed a parking garage containing 800 spaces at a cost of \$8 million dollars. He thanked Mr. Martinez for coming and making comments. He asked Ms. Rita Rodriguez, City Attorney, if the vote on the items would be taken together.

Mr. McNabb remarked that the City had paid between \$10,000.00 or \$15,000.00 per parking space.

Ms. Rodriguez responded she preferred the items be voted on separately.

Mr. Sean Taylor, Superior Sign and Lighting, stated that if Council Members approve the items, his company would donate the signage, at cost. He also challenged all trades and contractors to come forward and offer their assistance.

Mr. David Routs, Arts Educator, stressed upon the Council Members that the City was in a battle for the arts in the El Paso community and noted that Las Cruces had a strong and vibrant arts program. He stated that the Community Foundation had committed \$12 million toward the restoration of the Plaza Theatre that would allow for a truly unique performance arena, which many local community theatre groups would utilize to the fullest. He stated that this venue would nurture the talents of many local artists and young people. He stated that the Plaza Theatre would be a gem for future generations and asked Council Members to consider strongly a Citizens Advisory Committee specifically for the Plaza Theatre restoration and operation. He noted he would fully support the restoration of the Plaza Theatre.

Mr. Raul Garcia, citizen, stated he would like to contribute a donation of \$200.00 to the restoration project.

Representative Sumrall agreed with Mr. Routs' suggestion of the Citizens Advisory Committee and encouraged Council Members to consider the future generations of the citizens of El Paso. She stated she could not wait for the first performance to be shown in the "new old Plaza Theatre".

Representative Rodriguez explained that she had never entered the Plaza Theatre, as it had already closed, and asked that it be restored to its original brilliance and prominence.

Mr. Ray Gilbert, citizen, asked that the Plaza Theatre restoration project be paid for with Certificates of Obligation, as this project pertains to Quality of Life, rather than with the parking meter fees. He stated that Council Members continue to spend Certificates of Obligation money on projects that have nothing to do with Quality of Life issues. He asked Council Members to consider utilizing Certificates of Obligation money and not raise parking meter fees. He commented on the Majestic Theatre in San Antonio and how the Majestic progressed from being run down and dilapidated to becoming one of many downtown San Antonio attractions. He asked Council Members to fund the project the "right way" and not weight it down in debt.

Representative Cook expressed that the people of San Antonio envisioned a "River Walk"; however, the only element missing was a river. He stated that in 1968 he was at the Plaza Theatre and viewed the John Wayne classic, "The Green Berets", prior to leaving for the war in Vietnam.

Representative Power noted that the Plaza Theatre restoration project had both good and bad points; the bad side was the cost(s) and how those cost(s) would be subsidized. He noted that many times projects like this do not become profitable for many years following the opening. He stated that the action of Council Members today would impose an extra burden to the community; however, the good of the project far outweighed the bad. He noted he was a very strong proponent of tourism and a very strong proponent

of the Plaza Theatre restoration. He remarked that the project was truly a public/private partnership which would revitalize downtown El Paso, in addition to creating a vibrant tourism industry for the City of El Paso. He stated that the restoration project would be an investment in the history and the future of El Paso.

Representative Sariñana asked Mr. Bill Chapman, Chief Financial Officer, what the current yearly intake was for parking meters. He questioned what would become of the general fund once the City began subsidizing the Plaza Theatre renovation project.

Mr. Chapman responded approximately \$720,000.00 and added that the money would be deposited into the general fund. He noted that the incremental dollars would be utilized to pay the debt service; therefore, the general fund would not be affected. He explained that projections were low due to the unknown factors regarding parking demand and explained the projected number was approximately \$634,000.00, not quite enough to cover the full debt service and added it may be necessary to raise the parking meter fee to 75¢ in the future.

Representative Sariñana questioned if the parking meter fee was not raised to 75¢, where would the money come from.

Mr. Chapman stated that Council would need to levy a tax or find another alternative. He stated the Plaza Theatre renovations were not considered a part of the \$30 million Certificates of Obligation, but a separate issue.

Representative Sariñana questioned language in the Resolution and asked for a legal interpretation. He read into the record "Whereas the City has concluded that it does not currently desire to issue Tax-Exempt Obligations to finance the costs associated with the acquisition of the items listed herein;" and "Whereas, the City desires to reimburse itself for the costs associated with the items listed herein from the proceeds of Tax-Exempt Obligations to be issued subsequent to the date hereof;" and questioned whether this was a contradiction.

Mr. McNabb responded that this was a Reimbursement Resolution and added that the City had utilized this procedure on previous occasions when the City was not in a position to issue the debt instruments; however, the monies had been obligated. He added that the Resolution also notes that the accounts would be reimbursed when revenue-backed Certificates of Obligation had been issued.

Representative Sariñana stated that the voters of El Paso should be given an opportunity to vote on the project. He stated he does not support the increase in parking meter fees; however, he was in support of the Plaza Theatre renovation project.

Representative Sumrall remarked that the citizens of El Paso had elected Council Members to make important decisions.

Representative Cobos thanked the Downtown Management District, Central Business Association and all downtown merchants who had expressed their concerns regarding the parking meter fee increase, yet had the foresight to agree to the increase for the betterment of the whole community. He echoed Representative Sariñana's comments in that the voters should have had an opportunity to express their opinions. He echoed Representative Rodriguez's comments in that he had not had the opportunity to experience the Plaza Theatre during its glory days. He noted that in 1986 the Plaza Theatre had been scheduled for demolition in order that a parking lot be constructed and asked the audience if they would rather have the Plaza Theatre than a parking lot. He then moved to approve the Resolution that the Mayor be authorized to sign an Agreement by and between the El Paso Community Foundation, the El Paso Plaza Theatre Corporation, the PT ANNEX, LLC, and the City of El Paso, regarding the renovation of the Plaza Theatre and the Centre Annex as a performing arts centre for the benefit of the citizens of El Paso and that the Mayor be authorized to sign the Escrow Agreement in a form and substance approved by the Chief

Financial Officer and the City Attorney; Representative Sumrall seconded. Representative Sariñana voted Nay.

Ms. Rodriguez recommended that Council Members vote on the Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.08 (Administration and Enforcement), to delete Section 12.08.130 (Meter Maids), and Chapter 12.56 (Parking Meters), Section 12.56.010 (Designation-Use) to amend authority of Traffic Engineer to establish location of Metered Parking Spaces . . . prior to voting on the remaining associated items. She noted for the record in Section 2 of the Ordinance the following language be added: "prior to making changes or designation the Deputy Director of Streets would meet with the Representatives of the El Paso Downtown Management District in order to be able to fairly consider any impacts to affected downtown businesses and patrons" and in Section 10, item B added "The Deputy of Director of Streets would not increase fees for 18 months after an initial increase to 10¢ for each 12 minutes". She clarified that following the 25¢ increase; another increase would not take effect for 18 months. She asked that "authorized tokens and parking debit card" would be added to the Ordinance language following "coin or coins".

Mr. Mike Breitingger, Executive Director of the El Paso Central Business Association, submitted his organization's proposals for Council Members consideration. He stated that the CBA was in favor and supports the renovation of the Plaza Theatre and had met with Mr. Hill and the members of the Community Foundation to offer the CBA's assistance. He noted that the CBA was not aware that the money from the increase in parking meter fee would support the Plaza Theatre renovations and that his organization had not received formal notice from the City. He stated that the downtown business owners had issues regarding the parking meter fee increase due to the possible decrease in customers, sales and most notably the lack of existing downtown parking. He read into the record the suggested changes to the Ordinance as made by the Downtown Management District and Central Business Association: Section 12.56.010, subsection B, "Prior to making changes or designation, the Deputy Director of Streets would meet with representatives of the El Paso Downtown Management District in order to consider fairly any impact to affected downtown businesses and patrons"; "Section 12.56.020, subsection C, "or contracted service provider to be used as a substitute for coins" and Section 12.56.020, subsection F, "during the hours where parking is specifically prohibited by street sign or designated by waiver of City Council for special downtown events".

Ms. Rita Rodriguez, City Attorney, interjected that the language suggested by Mr. Breitingger had been included in the Ordinance.

Mr. Breitingger asked that Section 12.56.040 be deleted in its entirety regarding "feeding" parking meters on City property and requested that in Section 12.56.070, regarding the revenues collected, the following language would be added "the parking meter fees would be solely used for downtown projects. Revenue is defined as gross receipts minus operational costs". He suggested the following language be added to Section 12.56.090 "fees should be left at the rate of 25¢ an hour and up to a maximum of 10¢ an hour and reviewed after 18 months to possibly allow for an increase in 15¢ or 25¢ per hour."

Mr. McNabb informed Council Members that the suggested language by Mr. Breitingger's organization had been added to the Ordinance; however, assurances must be made that the initial parking meter fee increase would be 25¢ for an 18-month duration. He explained that, in order to finance the debt instruments for the Plaza Theatre renovation project following the initial 18 months, an additional 25¢ increase in parking meter fees would be necessary.

Representative Cobos requested clarification regarding the language in Section 12.56.090.

Ms. Rodriguez reiterated the language change as follows: Paragraph B, the ending sentence would read "The Deputy Director of Streets shall not increase the rate for 18 months after an initial increase to 10¢ for each 12 minutes".

Representative Cobos inquired whether an increase from 50¢ to \$1.00 would be considered in the future. He thought that such a substantial increase was too drastic.

Mr. McNabb noted that following the initial 18-month duration the increase to 75¢ would finance the Plaza Theatre debt service instruments. He stated that in order to sell the Bonds the City must provide a means to finance them.

Mr. Breitingner stated that the language should reflect the 75¢ as the maximum increase.

A member of the Central Business Association Parking Committee questioned whether it would be possible to leave the parking meter fee increase at 50¢ if it was noted that enough revenue would be generated, rather than raising the fee another 25¢ in 18 months.

Mr. McNabb responded there would be no reason to raise the parking meter fee another 25¢ if enough revenue had been generated. He added that the Central Business Association had requested that the City consult with them in regard to raising parking meter fees; however, it was not necessary to require the approval of the Central Business Association.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to authorize the Director of Purchasing to issue Purchase Order(s) to Duncan Industries Parking Control as they are the manufacturer and sole provider of Duncan Parking Meter parts and accessories.

Department: Street Department
Funds Available: 04250101-508004-PMB000130 (\$100,000.00)
04250201-508004-PMB0002130 (\$100,000.00)
04102010-508005-P540010CTY (\$100,000.00)
Funding Source: FY2000 Certificates of Obligation
FY2001 Certificates of Obligation
Capital Outlays Fund

Award Amount: \$300,000.00

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*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to exercise the City's option to extend the terms of the agreement for one additional year, from October 1, 2002 to September 30, 2003 pursuant to the provisions of contract 1999-37-271, with Transmountain Oil Company, LC. El Paso, Texas for Automotive Fuel, Diesel and Unleaded.

Option No.: ONE [OF ONE]

Amount of Award: \$2,600,000.00 (Annual Estimate)
Account Nos.: 37370510-503124
Funding source: EMD Funds
Department: Equipment Maintenance

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*Motion made, seconded and unanimously carried to award Bid No. 2002-160 Portable and Mobile Radios
Award to: R.T.C., Inc.
El Paso, Texas
Item (s): 1 through 4
Amount: \$38,425.00

Department: Solid Waste Management
Funds available: 04250203-27252-PMB0003160-508035
Funding source: FY02 Certificate of Obligation Equipment – SW Equipment
Total award: \$38,425.00

The Department of Solid Waste Management, Public Safety Technology and Purchasing Departments recommend award as indicated to the best value procurement. This bid also offered the lowest bid price.

This is a fixed-price, single (one-time) purchase, to purchase portable and mobile radios. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one year and/or two years from the date of award of the contract. A 1% prompt payment discount is offered if invoices are paid within 10 days of delivery of equipment.

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 *Motion made, seconded and unanimously carried to approve budget transfer BT2002-874 HEALTH
 This budget transfer will align the allocations to agree with the Texas Department of Health. This funding will be used in the implementation of Office of Public Health Practice Centers for Disease Control and Prevention (CDC) Project, Public Health Preparedness and Response for Bioterrorism.

Increase	\$1,025,841	to	41150023/G41032506071/406001	State Grant Proceeds
Increase	\$ 234,956	to	41150023/G41032506071/501000	Wages & Salaries
Increase	\$ 965	to	41150023/G41032506071/501100	Workers Comp
Increase	\$ 22,486	to	41150023/G41032506071/501108	POS City
Increase	\$ 280	to	41150023/G41032506071/501114	Life Insurance
Increase	\$ 24,083	to	41150023/G41032506071/501124	City Pension
Increase	\$ 14,567	to	41150023/G41032506071/501129	FICA City Match
Increase	\$ 3,407	to	41150023/G41032506071/501130	FICA Med
Increase	\$ 1,600	to	41150023/G41032506071/502112	Interpreter Svcs
Increase	\$ 10,000	to	41150023/G41032506071/502214	Train Instr Cntr
Increase	\$ 100,000	to	41150023/G41032506071/502215	Outside Contracts
Increase	\$ 1,200	to	41150023/G41032506071/502300	Equip Maint
Increase	\$ 10,000	to	41150023/G41032506071/502302	Print Shop
Increase	\$ 26,000	to	41150023/G41032506071/502400	Buildings
Increase	\$ 2,052	to	41150023/G41032506071/502404	Office Equip
Increase	\$ 12,000	to	41150023/G41032506071/503001	Gasoline/Unleaded
Increase	\$ 5,000	to	41150023/G41032506071/503100	Office Supplies
Increase	\$ 14,278	to	41150023/G41032506071/503101	Min Office Equip
Increase	\$ 5,000	to	41150023/G41032506071/503103	Pub/Sub
Increase	\$ 2,430	to	41150023/G41032506071/503104	Min Comp Equip
Increase	\$ 3,820	to	41150023/G41032506071/503105	Desktop Softw Sup
Increase	\$ 15,000	to	41150023/G41032506071/503112	Clinical/Medical
Increase	\$ 13,954	to	41150023/G41032506071/504000	Phone
Increase	\$ 1,800	to	41150023/G41032506071/504001	Long Distance
Increase	\$ 1,000	to	41150023/G41032506071/504003	Postage
Increase	\$ 3,600	to	41150023/G41032506071/504100	Electricity
Increase	\$ 2,400	to	41150023/G41032506071/504101	Water
Increase	\$ 1,200	to	41150023/G41032506071/504102	Natural Gas
Increase	\$ 30,800	to	41150023/G41032506071/504201	Travel Expenses
Increase	\$ 5,475	to	41150023/G41032506071/504203	Mileage
Increase	\$ 4,000	to	41150023/G41032506071/504412	Seminars
Increase	\$ 23,495	to	41150023/G41032506071/504415	Indirect Cost Expend
Increase	\$ 123,237	to	41150023/G41032506071/508003	Building Improve
Increase	\$ 67,000	to	41150023/G41032506071/508006	Vehicular Equip
Increase	\$ 58,030	to	41150023/G41032506071/508008	Major Office Equip
Increase	\$ 76,000	to	41150023/G41032506071/508012	Medical Equip
Increase	\$ 104,726	to	41150023/G41032506071/508035	Communication Eq

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*Motion made, seconded and unanimously carried to approve budget transfer BT2002-919 CITY CLERK Procedural change in legal notification of Resolutions and Public Hearing Notices, and increased printing needed for internal elections.

Decrease	\$13,895	from	99010273/01101/504405	Oper Contingency
Increase	\$10,586	to	02010009/01101/502205	Legal Notices
Increase	\$ 3,309	to	02010009/01101/502302	Print Shop Alloc

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 *Motion made, seconded and unanimously carried to approve budget transfer BT2002-921 NON DEPARTMENTAL

To increase appropriation for tax collection fees.

Decrease	\$284,768	from	99010273/01101/504405	Contingency
Increase	\$284,768	to	06010022/01101/502201	Bill Collection Agcy

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 *Motion made, seconded and unanimously carried to approve budget transfer BT2002-922 HEALTH
 An amendment was made to the existing TDH-Sexually Transmitted Disease federal budget to reflect an increase of \$53,129.

Increase	\$53,129	to	41150018/G41022006054/406001	State Grant Proc
Increase	\$32,685	to	41150018/G41022006054/501000	Wages & Sal
Increase	\$ 115	to	41150018/G41022006054/501007	Longevity
Increase	\$ 897	to	41150018/G41022006054/501100	Wrk's Comp
Increase	\$ 3,850	to	41150018/G41022006054/501108	POS City
Increase	\$ 71	to	41150018/G41022006054/501114	Life Insurance
Increase	\$ 3,621	to	41150018/G41022006054/501124	City Pension
Increase	\$ 1,973	to	41150018/G41022006054/501129	FICA City Mat
Increase	\$ 589	to	41150018/G41022006054/501130	FICAMdCityMat
Increase	\$ 300	to	41150018/G41022006054/502302	Print Shop
Increase	\$ 225	to	41150018/G41022006054/502304	PostgeMailrm
Increase	\$ 800	to	41150018/G41022006054/503100	Office Sup
Increase	\$ 500	to	41150018/G41022006054/503104	MinCompEq
Increase	\$ 650	to	41150018/G41022006054/504001	Long Distance
Increase	\$ 87	to	41150018/G41022006054/504002	Paging
Increase	\$ 4,687	to	41150018/G41022006054/504201	Travel
Increase	\$ 500	to	41150018/G41022006054/504203	Mileage
Increase	\$ 550	to	41150018/G41022006054/504412	Seminars
Increase	\$ 1,029	to	41150018/G41022006054/508010	Data Proc Eq

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 *Motion made, seconded and unanimously carried to approve the request of El Paso Central Business Association to hold the 3rd Annual Texas Avenue Run/Walk on October 5, 2002 from 5:30 a.m. to 9:00 a.m. Route: Start at Texas and Cotton; proceed on Texas and end at Oregon. Approximately 200 persons will take part and 20 spectators are anticipated. PERMIT NO. 02-090

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 *Motion made, seconded and unanimously carried to approve the request of St. Francis Xavier Church to block off Latta between Findley and Paisano on August 3, 2002 from 5:00 p.m. to 11:59 p.m. and on August 4, 2002 from 12:00 noon to 11:00 p.m. for a bazaar/kermesse. Approximately 100 persons and 25 vehicles will take part and approximately 300 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request includes permission to use amplification (disco, 2 speakers). PERMIT NO. 02-093

Motion made by Representative Sumrall, seconded by Representative Sariñana and unanimously carried to move to the forefront the following Ordinance. This item was taken in conjunction with the issuance of a purchase order to Duncan Industries Parking Control, a Resolution that the Mayor be authorized to sign an Agreement by and between the El Paso Community Foundation, the El Paso Plaza Theatre Corporation, the PT Annex, LLC and the City of El Paso, and a Resolution declaring the intention of the City of El Paso, pursuant to Internal Revenue Code Regulation Section 1.150-2(e), to finance certain expenditures to be incurred for capital acquisition from the proceeds of the sale of City Tax-Exempt Obligations.

ORDINANCE 15157

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.08 (ADMINISTRATION AND ENFORCEMENT), TO DELETE THE TITLE OF METER MAID IN SECTION 12.08.130 (METER MAIDS), AND CHAPTER 12.56 (PARKING METERS), SECTION 12.56.010 (DESIGNATION-USE) TO AMEND AUTHORITY OF TRAFFIC ENGINEER TO ESTABLISH LOCATION OF METERED PARKING SPACES; AMENDING APPLICABILITY OF FUNDS; GRANTING AUTHORITY TO DEPUTY DIRECTOR OF STREETS TO INSTALL AND MAINTAIN PARKING METERS AND SET PARKING FEES; AMEND EXEMPTIONS; PROVIDE FOR USE OF PARKING METER FEE DEBIT CARD; AND CHAPTER 12.88 (SCHEDULES), SECTION 12.88.130 (SCHEDULE XI—PARKING METER ZONES) TO ELIMINATE ESTABLISHED ZONES AND EXEMPTIONS.**

Motion duly made by Representative Cobos, seconded by Representative Sumrall that the Ordinance be adopted, as revised. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, and Cobos

NAYS: Council Member Sariñana Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Please see pages 10 through 19 for discussion.

.....
Motion made by Representative Medina, seconded by Representative Cook and carried to postpone two (2) weeks an Ordinance changing the zoning of Lot 18, Block 1, LOWER VALLEY MOBILE HOME ADDITION, REPLAT 'A', El Paso, El Paso County, Texas (403 Joseph Street) from R-1 (Residential) to A-M (Apartment-Mobile Home Park). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/Representative: D.C. Phan, 11705 Gwen Evans Ln., El Paso, TX 79936. ZC-02009. Representative Cobos voted Nay on the Motion to postpone.

Ms. Patricia Aauto, Director of Planning, responded that the applicant was present.

Mr. D.C. Phan, applicant, was present to answer questions.

Mr. Leopoldo Sierra, citizen, spoke on behalf of Mr. Phan.

Ms. Aauto explained that the item had previously been postponed and explained the zoning change. She noted that previously Mr. Phan had requested a zoning change from R-1 to RMH which was approved by the DCC (Development Coordinating Committee) with two dissenting votes and CPC (City Plan Commission); however, Mr. Phan amended his application from R-1 to A-M. She noted that the Department Heads had approved the A-M request with dissenting votes from Planning and Police Department, in addition to the CPC (City Plan Commission) recommending denial with a vote of 5-1. She stated she had met with Representative Escobar and provided him the information. She understood

Representative Escobar would support RMH but not A-M zoning. She noted that the Planning Department had received no opposition regarding the zoning change.

Mr. Phan stated that he had been present at the previous Council meetings when his item had appeared on the Agenda and felt he was being treated poorly.

.....
ORDINANCE 15158

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING VERONICA VALVERDE TO USE A PORTION OF MEMORIAL PARK FROM 4:00 PM UNTIL 8:00 PM ON AUGUST 3, 2002**

Motion duly made by Representative Rodriguez, seconded by Representative Sariñana that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: None Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance amending Title 2 (Administration and Personnel), by adding a new Chapter 2.36 (Development Board of Appeals), to establish a new board of appeals for subdivision and development issues.

Representative Sumrall asked that information regarding the fees be discussed during the next City Council meeting.

.....
ORDINANCE 15159

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), BY ADDING A NEW CHAPTER 2.30 (BUILDING BOARD OF APPEALS), TO RELOCATE THE REQUIREMENTS FOR THE BUILDING BOARD OF APPEALS FROM CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE) AND TO MAKE MINOR CHANGES TO THE BOARD.**

Motion duly made by Representative Sumrall, seconded by Representative Power that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: None Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15159, 15160, and 15161 were taken together.
.....

ORDINANCE 15160

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), BY ADDING A NEW CHAPTER 2.32 (PLUMBING AND HVAC BOARD OF APPEALS), TO RELOCATE THE REQUIREMENTS FOR THE PLUMBING AND HVAC BOARD OF APPEALS FROM CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE) AND TO MAKE MINOR CHANGES TO THE BOARD.**

Motion duly made by Representative Sumrall, seconded by Representative Power that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: None Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15159, 15160, and 15161 were taken together.

ORDINANCE 15161

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), BY ADDING A NEW CHAPTER 2.34 (ELECTRICAL BOARD OF APPEALS), TO RELOCATE THE REQUIREMENTS FOR THE ELECTRICAL BOARD OF APPEALS FROM CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE) AND TO MAKE MINOR CHANGES TO THE BOARD.**

Motion duly made by Representative Sumrall, seconded by Representative Power that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: None Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

NOTE: Ordinances 15159, 15160, and 15161 were taken together.

Motion made, seconded and carried to postpone four (4) weeks and refer to Legislative Review an Ordinance amending Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management), Section 9.04.030 (Definitions) of the El Paso Municipal Code, to define side yard; Section 9.04.060 (Container Location), of the El Paso Municipal Code, more clearly to prohibit placement of containers in the front yard on non-collection days and provide guidelines for placement of containers intended for alley pick-up service. The penalty being as provided in Section 9.04.390 of the El Paso Municipal Code.

Representative Sumrall explained that the City had begun to micromanage its citizens and she would vote against this. She asked that the issue regarding charging for recycling materials not be included in the Ordinance.

Representative Sariñana remarked that a Legislative Review Committee meeting was held and added that the Committee had not made any recommendations but requested the item be left as is. He explained that if the Ordinance were passed, it would not be properly supervised, as the City did not have sufficient manpower to monitor.

Representative Sumrall moved to deny, Representative Sariñana seconded.

Representative Cook explained that the City could not enforce all its Ordinances; however, there exists no language that states trashcans should be removed from sight. He stated that waivers would be necessary for some residential neighborhoods and homes due to difficulty of transporting the trashcans back and forth to the curbs. He stated that individuals could leave trashcans on the curbs, as there exists no language in the current Ordinance requiring the trashcans to be removed from sight.

Ms. Emma Acosta, Deputy Director of Solid Waste Management, explained that some residential neighborhoods do not have the option of removing the trashcans from sight due to the construction of the homes, etc. She noted that an Ordinance does not exist which requires the individual to remove the trashcans from view.

Representative Cook questioned Ms. Rita Rodriguez, City Attorney, whether the City could provide waivers for those neighborhoods unable to comply with the Ordinance.

Ms. Rodriguez responded an amendment to the Ordinance would be required.

Representative Cook moved to postpone for one week, there was no second.

Representative Rodriguez commented that senior citizens in her district must leave the trashcans at the curb as moving the trashcans was too difficult.

Ms. Acosta remarked that there are many areas in the City where no driveways exist.

Ms. Rodriguez asked that a Legislative Review Committee meeting be held in order that all questions and comments could be heard.

Representative Cook moved to delete the matter, send the matter to Legislative Review Committee and be brought back at a later Council meeting as an Ordinance Introduction. Representative Cobos seconded.

Representative Cobos remarked that the Ordinance would cause more misunderstanding.

Representative Sariñana stated that a Legislative Review Committee meeting had been held and there was sparse attendance, as there was no real public interest.

Representative Medina noted that many City Ordinances are self-enforcing and utilized the Smoking Ordinance as an example. He questioned whether the Public Service Board might include a copy of the Ordinance, following its adoption, when mailing the water bill.

Representative Cobos stated that neighbors would snitch on each other and possibly call the City Code Enforcement Division and report the neighbor not in compliance.

Mr. Carl Robinson, citizen, remarked that rules and guidelines must exist; however, there may be occurrences where not all citizens would comply.

Ms. Diana Nuñez, Deputy City Clerk, polled Council Members regarding the Motion suggested by Representative Cook. The Motion was to delete the matter, send the matter to Legislative Review Committee and be brought back at a later Council meeting as an Ordinance Introduction.

Motion to delete did not pass.

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ORDINANCE 15162

Motion duly made by Representative Sumrall, seconded by Representative Cobos that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

NAYS: None Absent: Council Member Escobar

Representative Cobos was not present for the vote.

ORDINANCE 15163

Motion duly made by Representative Sumrall, seconded by Representative Cobos that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

NAYS: None **Absent:** Council Member Escobar

Representative Cobos was not present for the vote.

ORDINANCE 15164

ORDINANCE 15164

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.02 (BUILDING AND CONSTRUCTION ADMINISTRATIVE CODE), SECTION 18.02.109.1.8 (TAS PLAN REVIEW FEES) TO AMEND THE TAS PLAN REVIEW FEES. THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO CITY CODE.**

Representative Sumrall questioned where the fees would be going.

Mr. Terry Williams, Deputy Director of Building Services, responded that currently the City had absorbed the fee as part of the regular fee; however, the fee charged by Department of License and Regulation had since risen to \$100.00, for each review submitted by the City of El Paso and this Ordinance would allow the City to collect the \$100.00 from those applicants who requested the review by the Department of License and Regulation.

Motion duly made by Representative Cook, seconded by Representative Sumrall that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power and Sariñana

NAYS: None **Absent:** Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.
Representative Cobos was not present for the vote.

ORDINANCE 15165

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.08 (BUILDING CODE), BY ADDING SECTION 18.08.285 TO AMEND THE INTERNATIONAL BUILDING CODE SECTION 2902.2 (SEPARATE FACILITIES) BY ADDING A NEW EXCEPTION NO. 4. THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO CITY CODE.**

Representative Cook questioned the Ordinance language.

Mr. Terry Williams, Deputy Director of Building Services, responded that the Ordinance would raise the least amount of store space to 1500 square feet from 450 square feet. He further clarified that a retail store would be required to exceed 1500 square feet to require a toilet for each sex.

Representative Sariñana questioned whether the recommendations had been made by the BZAC (Building Zoning Advisory Committee).

Mr. Williams responded yes and that the recommendations had been made by the BZAC through the DCC and CPC.

Motion duly made by Representative Cook, seconded by Representative Power that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power and Sariñana

NAYS: None Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.
Representative Cobos was not present for the vote.

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ORDINANCE 15166

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.10 (RESIDENTIAL CODE), BY AMENDING SECTION 18.10.080 THAT MODIFIED THE INTERNATIONAL ENERGY CONSERVATION CODE. THE PENALTY BEING AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO CITY CODE.**

Mr. Terry Williams, Deputy Director of Building Services, revised the Ordinance and asked Council Members to include "2709" as the number of Heating Degree Days for El Paso in Table 1101.

Motion duly made by Representative Sumrall, seconded by Representative Cook that the Ordinance be adopted, as revised. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power and Sariñana

NAYS: None Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.
Representative Cobos was not present for the vote.

.....
ORDINANCE 15167

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NOS. 15006, 12909, 12141, AND 10739, TO REVISE THE FEE SCHEDULE AND OVERDUE FINES CHARGED BY THE EL PASO PUBLIC LIBRARY.**

Representative Sumrall stated she understood a law existed whereas individuals living outside the City limits could not be charged for library cards.

Ms. Carol Brey, Director of Libraries, responded the City libraries were receiving state aid, Direct Aid to Public Libraries, of which a provision states if a public library charged a non-resident a fee, the libraries would receive less state aid. She stated that approximately \$11,000.00 was received during last fiscal year for non-resident fees. She noted that if the libraries delete the non-resident fee, the state would provide \$12,000.00 and possibly continue to grow during subsequent years.

Representative Sumrall questioned whether a problem existed regarding unreturned books checked out to individuals living outside the city limits.

Ms. Brey remarked she was unable to respond to Representative Sumrall's question; however, the overall percentage of books remaining overdue was 1 to 2%, area wide. She mentioned that families who purchase a \$15.00 per year library card do so at a great hardship to the family and really utilize the library to the fullest.

Representative Sumrall questioned what the new fine fee would be.

Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance changing the zoning of Lot 36, RANGERS REST NO. 2, El Paso, El Paso County, Texas (1164 Ranger Street) from R-4 (Residential) to A-O (Apartment-Office) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Habitat International Inc./ Representative: Homero Perez, 1491 Lee Trevino, Suite K, El Paso, TX 79936. ZC-02021

Representative Sariñana remarked he was unable to meet with the owner and questioned why the applicant was requesting the zoning change.

Ms. Patricia Adatao, Director of Planning, responded that the property was currently vacant and the applicant was proposing constructing an office for the Habitat International Inc. She explained that the area had been designated as industrial use and added the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had recommended approval of the A-O request; however, restricting access to Castner Drive only.

Representative Sariñana had concerns regarding the A-O zoning request and added the possibility existed for the applicant to construct apartments.

Ms. Adatao responded yes; however, under C-1 zoning that possibility also existed.

Representative Sariñana then moved to approve, Representative Cobos seconded.

Representative Cook requested the item be discussed during Executive Session, Representative Cobos seconded. The vote was unanimous to move the item to Executive Session.

Representative Sariñana suggested postponing the item for one week.

.....
*Motion made, seconded and unanimously carried to postpone one (1) week An Ordinance changing the zoning of Tracts 17C10, 17C12, 17C39 and 17C156, Section 8, Block 79, Township 3, T & PRR SURVEYS, El Paso, El Paso County, Texas (East of Zaragoza Road and North of Picasso Drive) as follows: Parcel 1, from R-3 (Residential) to C-2 (Commercial) and Parcel 2, from R-3 (Residential) to R-3A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Tropicana Homes, Inc./ Representative: CEA Engineering Group, 2718 Wyoming, El Paso, TX 79903. ZC-02022

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ORDINANCE 15169

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-02010 TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 11 - 20, BLOCK 222, ALEXANDER ADDITION, EL PASO, EL PASO COUNTY, TEXAS (2700 STANTON AVENUE), AS MORE FULLY DESCRIBED HEREIN, PURSUANT TO SECTION 20.64.175, AND THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Representative Sumrall questioned what currently existed on the property.

Ms. Patricia Adatao, Director of Planning, responded the zoning change request involved property located at the southeast corner of Stanton at Baltimore, currently zoned C-1. She noted that the applicant was proposing a medical office with dialysis center. She explained that the use required 38 off-site parking spaces; however, the existing development could provide 33 parking spaces. She noted that the special permit would authorize a parking reduction of five required parking spaces and added the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended in favor of the zoning change request.

Motion duly made by Representative Cook, seconded by Representative Sumrall that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power and Cobos

NAYS: None Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Sariñana was not present for the vote.

.....
Motion made by Representative Sumrall, seconded by Representative Sariñana and unanimously carried to move to the forefront the following Resolution. This item was taken in conjunction with the issuance of a purchase order to Duncan Industries Parking Control, an Ordinance amending Title 12 (Vehicles and Traffic) . . . , a Resolution declaring the intention of the City of El Paso, pursuant to Internal Revenue Code Regulation Section 1.150-2(e), to finance certain expenditures to be incurred for capital acquisition from the proceeds of the sale of City Tax-Exempt Obligations.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement by and between the El Paso Community Foundation, the El Paso Plaza Theatre Corporation, the PT ANNEX, LLC, and the City of El Paso, regarding the renovation of the Plaza Theatre and the Centre Annex as a performing arts center for the benefit of the citizens of El Paso and that the Mayor be authorized to sign the Escrow Agreement in a form and substance approved by the Chief Financial Officer and the City Attorney.

Motion made by Representative Cobos, seconded by Representative Sumrall and unanimously carried to approve the above Resolution. Representative Sariñana voted Nay.

Please see pages 10 through 19 for discussion.

.....
Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to discuss the item posted by Ms. Blair following the Resolution concerning the Amendment to Lease between the City of El Paso (Lessor) and Travelex America, Inc. (Concessionaire).

No action was taken regarding the discussion on public health. (Anita Blair)

Ms. Anita Blair, citizen, thanked Council Members for approving the Plaza Theatre renovation project funding. She stated the City's current biggest health enemy was mosquitos and recommended citizen's purchase OFF mosquito repellant that contained DEEP.

.....
Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to delete the discussion regarding two propositions to adjust the City property tax exemptions for the 65-over homeowners and the disabled (veterans included) homeowners. (Jose E. Chavez)

Representative Cobos noted that Mr. Chavez was not present to discuss his item; however, he asked Mr. Bill Chapman, Chief Financial Officer, what the possible impact might be for a \$5,000.00 exemption.

Mr. Chapman responded currently there existed 30,387 elderly accounts, 3,665 disabled accounts to total approximately 34,000 for an estimated \$1,225,000.00 impact to next year's revenues.

No action was taken regarding discussion and action on the merging of Police and Fire Communications. (Deborah Esparza and Martha Bilbo/El Paso Fire Medical Dispatch)

Representative Sumrall moved to deny the process of combining the Police and Fire Communications Department. Representative Cobos seconded.

Representative Power remarked that the City would be risking the lives of its citizens.

Mr. Charlie McNabb, Chief Administrative Officer, explained that denying the merging of the two Departments would be more appropriate during the budget hearings.

Representative Medina commented that Council Members had not heard either pro or con comments regarding the merging of the Police and Fire Communications Departments.

Representative Cobos noted that during the Mayor's proposal, comments regarding the merger of the Departments had been made.

Ms. Martha Bilbo, concerned public safety dispatcher with the Fire Department, read from a prepared statement and commented that the lives of the firemen and policemen, in addition to family and friends' lives would be in jeopardy if the Communications Divisions were consolidated. She addressed issues pertaining to increased costs to the City to consolidate the divisions, the burden of cross-training both divisions' personnel, the possibility of additional lawsuits and safety and response issues. She reiterated that the City of El Paso has 13 ambulance units available to accommodate all El Pasoans.

Representative Medina interrupted Ms. Bilbo and stated that the possible merger of the two divisions would be discussed in more detail during the budget hearings. He asked that Ms. Bilbo be present during the budget hearing discussion regarding the possible merger.

Mr. Charlie McNabb, Chief Administrative Officer, noted that the possible merger would be discussed during the Information Technology, Fire and Police budget hearings, in addition to a Special Council Meeting on August 12, 2002, to discuss the overall budget. He noted that the public hearing regarding the adoption of the budget would be held on August 27, 2002.

Representative Sariñana stated he was not in support of the merger and asked Ms. Bilbo to be present during those previously mentioned budget hearing meetings.

Representative Cook moved to take no action on the item. Representative Sariñana seconded.

Mr. John Roybal, retired Fire Dispatcher, commented that Council Members were allowed 2.5 hours to discuss the Plaza Theatre renovation project; however, the discussion regarding the merger was cut short. He noted that the budget hearings would not be televised and members of the public would not be aware of the risks involved if the two divisions were merged.

Representative Medina remarked that the possible merger would be discussed at length during budget hearings; however, the Plaza Theatre renovation project issue required Council Members to take some type of action today, which necessitated lengthy discussion.

No action was taken regarding discussion and action on the merging of Police and Fire Communications. (Deborah Esparza and Martha Bilbo/El Paso Fire Medical Dispatch)

.....
Motion made by Representative Sumrall, seconded by Representative Power and unanimously carried to direct the City Attorney's office to draft a Resolution requesting the Public Service Board to consider televising their Board meetings. (Mike Rooney)

Mr. Mike Rooney, citizen, handed to the Deputy City Clerk his proposed Resolution regarding the televising of the Public Service Board meetings. He asked to Representative Sumrall why the school board meetings were not televised. He stated that Representative Sumrall had met with Time Warner to discuss televising the school board meetings, and it was agreed that Time Warner would televise the school board meetings if the school districts would film them. He explained that he had suggested to Representative Cook that the El Paso Community College school board televise their meetings and Time Warner was in agreement if El Paso Community College would film the meeting. He read a letter he had written into the record in which he requested the Council Members approve his Resolution requesting the Public Service Board meetings be placed on public access cable TV.

Representative Sumrall thanked Mr. Rooney for coming to Council today and making his suggestion to televise the Public Service Board meetings. She noted that the schools film their meetings and bring tapes to Time Warner for broadcasting. She asked that the individuals filming the Ysleta Independent School District board meetings position the camera so that the speakers would be seen. She moved to make Mr. Rooney's suggestion available to the PSB, Representative Power seconded.

Mr. Rooney noted that Time Warner had made available Monday evenings to broadcast the PSB board meetings.

Representative Cook asked Representative Sumrall to modify her motion to request the City Attorney's office to draft a Resolution to be brought back to Council Members for a vote.

Ms. Karol Parker, Public Affairs Manager – PSB, noted that Mr. Ed Archuleta, General Manager El Paso Water Utility and Public Service Board, had requested she be present to comment on the issue. She added that the PSB recognizes the importance of communicating with the public as part of the department's strategic plan. She noted she had spoken with Mr. Rooney and that he suggested to her some ideas that might hasten the process. She stated she had met with staff members at Time Warner; however, due to lack of staff Time Warner would not be able to tape PSB meetings. She also met with El Paso Community College and was told that EPCC did not have staff available to tape PSB meetings.

Representative Sumrall thanked Ms. Parker for her diligence in seeking to have the PSB meetings televised. She explained that Council Members support televising the PSB meetings; however, it would be left up to the PSB to find the means with which to make this a reality.

Representative Power mentioned that the Public Service Board had recently produced public service messages regarding not wasting water; however, could not find the means to tape their board meetings.

Ms. Parker added that the PSB was not intentionally avoiding the recommendation to tape their board meetings.

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*Motion made, seconded and unanimously carried to delete the Discussion and action asking council to approve the site at San Pablo and Yarbrough, where the old Police sub-station is, for the New Lower Valley Branch Library. (Representative Sariñana)
.....

ADDITION TO THE AGENDA

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City be designated to serve as the Fiscal Agent for the Border Health Institute's grant award from the Empowerment Zone Corporation in the approximate amount of \$335,600.00.
.....

*Motion made, seconded and unanimously carried to appoint Trini Acevedo to the Community Development Steering Committee by Representative Cobos.

.....
Motion made by Representative Sumrall, seconded by Representative Sariñana and unanimously carried to move to the forefront the following Resolution. This item was taken in conjunction with the issuance of a purchase order to Duncan Industries Parking Control, an Ordinance amending Title 12 (Vehicles and Traffic) . . . , and a Resolution that the Mayor be authorized to sign an Agreement by and between the El Paso Community Foundation, the El Paso Plaza Theatre Corporation, the PT Annex, LLC and the City of El Paso.

R E S O L U T I O N

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF EL PASO, PURSUANT TO INTERNAL REVENUE CODE REGULATION SECTION 1.150-2(e), TO FINANCE CERTAIN EXPENDITURES TO BE INCURRED FOR YEAR 2002 AND 2003 CAPITAL ACQUISITION FROM THE PROCEEDS OF THE SALE OF CITY TAX-EXEMPT OBLIGATIONS. (FINANCIAL AND HUMAN RESOURCE SOFTWARE APPLICATIONS, IMPLEMENTATION SYSTEM, AND UPGRADE OF EXISTING FINANCIAL MODULES)

WHEREAS, the City of El Paso, Texas (the "City") is a governmental entity authorized to issue obligations to finance its activities pursuant to the laws of the State of Texas, the interest on which is excludable from gross income for federal income tax purposes ("Tax-Exempt Obligations") pursuant to Section 103 of the United States Internal Revenue Code of 1986, as amended (the "Code"); and,

WHEREAS, the City will make, or has made not more than 60 days prior to the date hereof, payments with respect to the acquisition of financial and human resource software applications, implementation system, and upgrade of existing financial modules on Exhibit "A" attached hereto; and, (Exhibit on file with this Resolution in the City Clerk's Office).

WHEREAS, the City has concluded that it does not currently desire to issue Tax-Exempt Obligations to finance the costs associated with the acquisition of the items listed herein; and,

WHEREAS, the City desires to reimburse itself for the costs associated with the items listed herein from the proceeds of Tax-Exempt Obligations to be issued subsequent to the date hereof; and,

WHEREAS, the City reasonably expects to issue Tax-Exempt Obligations to reimburse itself for the costs associated with the items listed on Exhibit "A" attached hereto; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

Section 1. The City Council hereby declares the intention of the City of El Paso, Texas, pursuant to Regulation Section 1.150-2(e) of the United States Internal Revenue Code, to finance expenditures to be incurred from the proceeds of the sale of the City's Tax-Exempt Obligations.

Section 2. The City reasonably expects to reimburse itself for all costs that have been or will be paid subsequent to a date that is sixty days prior to the date hereof and that are to be paid in connection with the acquisition of the items listed on Exhibit "A" attached hereto from the proceeds of Tax-Exempt Obligations to be issued subsequent to the date hereof, for the project known as Financial System Implementation.

Section 3. The City reasonably expects that the maximum principal amount of Tax-Exempt obligations issued to reimburse the City for the costs associated with the property listed on Exhibit "A" attached hereto will not exceed \$1, 800, 000.00.

Section 4. The Mayor is hereby authorized to make any necessary budget appropriations or adjustments to comply with the intent expressed in this resolution.

Motion made by Representative Cook, seconded by Representative Sumrall and carried to approve the above Resolution. Representative Sariñana voted Nay.

.....
No action was taken regarding "as a citizen I would like to ask Council on behalf of Acosta Center and resident, to upgrade the phone systems at Acosta Center at 4321 Delta Drive to install caller ID phones in their offices due to the fact that they receive too many threatening calls. This will be greatly appreciated".
(Raul Garcia)

Mr. Raul Garcia, citizen, stated it was essential that the Acosta Center office telephones have available the caller id function as the Center had received many threatening calls.

Mr. Ray Cox, Interim Director for Parks & Recreation, explained that the Department had requested that the telephones at the Acosta Center be equipped with the caller id function. He stated that on occasion disgruntled individuals have called the Center and complained. He added that the Parks & Recreation Departments were working with the Information Technology Department to resolve the issue.

Representative Cook moved to take no action.

Representative Sumrall noted that several months ago it was discovered that internal information was released to the public through the Acosta Center and that an investigation would be conducted to determine how this information was being released. She questioned whether a conclusion had been reached in that investigation.

Mr. Cox replied that there was not one individual that the Parks & Recreation Department was able to discern. He noted that he had not sent a memo to the Acosta Center personnel; however, he did speak with the Center's Director on the matter.

Mr. Charlie McNabb, Chief Administrative Officer, remarked that he was not aware of the situation and would speak directly with Mr. Cox.

.....
No action was taken regarding discussion and action on the hiring of a lobbyist for the City of El Paso.
(Representative Cobos)

Representative Cobos noted that the contract for the City's current lobbyist, Mr. Hector Gutierrez, would expire tomorrow, Wednesday, July 31, 2002 and questioned whether an RFP or RFQ had been prepared. He questioned why El Paso needed a lobbyist as there were five State Representatives and one Senate representative.

Mr. Charlie McNabb, Chief Administrative Officer, noted that the City had not put out an RFP and added that this was traditionally not done, as the City receives correspondence from lobbyists from all over the state on a daily basis soliciting their services. He explained that a recommendation for an in-house intergovernmental relations individual be established. He stated that due to funding issues it would be advantageous for the City of El Paso to hire a firm to represent El Paso in Washington, D.C. He noted that the intergovernmental relations position would work with the delegation, outside lobbyists and Department Heads in order to coordinate the City's legislative agenda.

Representative Cobos requested copies of resumes for prospective lobbyists for Council Member's information.

Representative Medina questioned whether the City Attorney's office might draft "performance measures" in the job specifications for the lobbyist position.

Mr. McNabb noted that performance measures were written in the current contract; however, he recommended the intergovernmental relations position be filled prior to filling the lobbyist position. He added that at this time the City was not proposing the same arrangement.

Representative Medina asked that the lobbyist position be filled as quickly as possible.

Representative Rodriguez commented on Ms. Veronica Escobar's possible appointment to the intergovernmental position.

Mr. McNabb interjected that the position was budgeted for as part of the proposed budget. He also remarked that a possibility existed that a lobbyist might be hired on an "ad hoc" basis, for example, the issue regarding the four-year medical school.

Representative Cobos remarked that there were many local individuals who have had legislative experience at the state level. He asked that Council Members be included in the discussions regarding the hiring of a lobbyist.

Mr. McNabb clarified that a proposal had not been submitted for a replacement of Mr. Gutierrez.

Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A. Leon Schydlower vs. City of El Paso; Cause No. 2002-2021, Our File No. 02-S-21 (551.071)
- B. Johnie Bernard, 02-C-120 (551.071)
- C. Democratic Party Signs, 02-C-188 (551.071)
- D. Maria Rosa Villamil, et. al. vs. The City of El Paso, et. al., Cause No. EP-01-CA-0384-EP-DB, Our File No. 01-S-53 (551.071)
- E. An Ordinance changing the zoning of Lot 36, RANGERS REST NO. 2, El Paso, El Paso County, Texas (1164 Ranger Street) from R-4 (Residential) to A-O (Apartment-Office) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Habitat International Inc./ Representative: Homero Perez, 1491 Lee Trevino, Suite K, El Paso, TX 79936. ZC-02021 (551.071)

Motion made by Representative Rodriguez, seconded by Representative Cobos and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

Motion made by Representative Medina, seconded by Representative Cobos and carried that the City Attorney be **AUTHORIZED TO SETTLE the lawsuit entitled Leon Schydlower vs. City of El Paso, Cause No. 2002-2021, Our File No. 02-S-21**, as recommended by the City Attorney.
Representatives Sumrall and Power were not present for the vote.

Motion made by Representative Medina, seconded by Representative Sariñana and carried that City Attorney be **GRANTED SETTLEMENT AUTHORITY** in the claim entitled **JOHNIE BERNARD; Our File No. 02-C-120** as recommended by the City Attorney.
Representatives Sumrall and Power were not present for the vote.

No action was taken regarding Democratic Party Signs, 02-C-188 (551.071)

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Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney be **AUTHORIZED SETTLEMENT AUTHORITY** in the lawsuit entitled **MARIA ROSA VILLAMIL, et al. vs. CITY OF EL PASO, et al**; Cause No. EP-01-CA-0384-DB; Our File No. 01-S-53, as recommended by the City Attorney.

Representatives Sumrall and Power were not present for the vote.

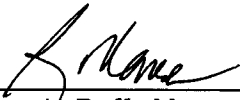
.....
Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to postpone two (2) weeks an Ordinance changing the zoning of Lot 36, RANGERS REST NO. 2, El Paso, El Paso County, Texas (1164 Ranger Street) from R-4 (Residential) to A-O (Apartment-Office) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Habitat International Inc./ Representative: Homero Perez, 1491 Lee Trevino, Suite K, El Paso, TX 79936. ZC-02021

Representatives Sumrall and Power were not present for the vote.

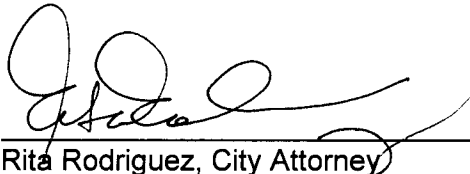
.....
Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried to adjourn this meeting at 1:50 p.m.
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APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Richarda Duffy Momsen, City Clerk



Rita Rodriguez, City Attorney